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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,651	03/09/2006	Thomas Corbett	ARD128USA	3443
24339	7590	11/17/2009	EXAMINER	
JOEL D. SKINNER, JR.			PARSLEY, DAVID J	
SKINNER AND ASSOCIATES				
212 COMMERCIAL ST.			ART UNIT	PAPER NUMBER
HUDSON, WI 54016			3643	
			MAIL DATE	DELIVERY MODE
			11/17/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/541,651	CORBETT, THOMAS
	Examiner	Art Unit
	DAVID J. PARSLEY	3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 September 2009.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 and 3-7 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 and 3-7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 July 2008 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

Detailed Action

Amendment

1. This office action is in response to applicant's amendment dated 9-2-09 and this action is final.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 4,837,990 to Peleg in view of U.S. Patent No. 4,442,626 to Hammond.

Referring to claim 1, Peleg discloses a polytunnel system comprising a series of leg members – at 68,70,72, or alternatively – at 56,58, a plurality of cover support members – at 2,4, and a cover – at 6, each leg member carrying a bracket – at the meeting of items 68,70,72 with items 2,4 as seen in figure 9 or alternatively – at 62, which in turn carries an associated one of the cover support members – see figure 9, such that each cover support member is secured to the associated leg member by the associated bracket – see figure 9, each bracket having a movable rope anchorage point provided thereon – see at any point of the bracket which is capable of

having a movable rope attached thereto as seen in figure 9, wherein each bracket is securable to the associated leg member in a range of positions so as to allow the height at which the cover support member is secured to the associated leg member by the bracket to be adjustable with the cover in situ and to simultaneously adjust the vertical position of the associated movable rope anchorage point - see figure 9. Peleg further discloses a rope – see figure 9. Peleg does not disclose the rope being secured to and extending between each movable rope anchorage point, the rope stretching over the cover to secure the cover in position. Hammond does disclose legs – at 2 with brackets – at 12-15, and the rope - at 3-6, being secured to and extending between each movable rope anchorage point – in items 12-15, the rope stretching over the cover – at 10, to secure the cover in position – see figures 1-3 and see column 2 lines 40-54 where items 3-6, can be a flexible securing means such as rubber that can be construed as a rope or alternatively replacing the flexible rubber with a another flexible member such as a rope would be a simple substitution of one flexible securing means with another to yield the predictable result of movably securing the cover in place. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Peleg and add the rope stretching over the cover to secure the cover of Hammond, so as to allow for the cover to be movably secured in place during use.

Referring to claim 3, Peleg as modified by Hammond further discloses each bracket defines a passage through which the associated leg member extends – see proximate 68-72 in figure 9 of Peleg.

Referring to claim 4, Peleg as modified by Hammond further discloses the bracket defines an opening – see figure 9 of Peleg, and the associated leg member is provided with a series of openings – see at the ends of the legs – at 68-72 in figure 9 of Peleg, a fixing pin

locatable within the opening of the bracket and selected one of the openings of the leg member to secure the bracket in a selected position - see figure 9 of Peleg.

Referring to claim 5, Peleg as modified by Hammond further discloses each bracket includes at least one arm onto or over which part of an associated cover support member can be located – see figure 9 of Peleg.

Referring to claim 6, Peleg as modified by Hammond further discloses each bracket includes at least one socket arranged to receive an end part of an associated cover support member - see figure 9 of Peleg.

Referring to claim 7, Peleg as modified by Hammond further discloses the ends of the cover support members extend generally vertically – see at 2,4 in figures 8-9 of Peleg.

Referring to claim 4, Peleg as modified by Hammond further discloses the bracket defines an opening and the associated leg member is provide with a series of openings – see figures 8-9 of Peleg, a fixing pin – see figure 8 of Peleg, locatable within the opening of the bracket and selected one of the leg member to secure the bracket in a selected position – see figures 8-9 of Peleg.

Response to Arguments

3. Regarding claims 1 and 3-7, the newly cited reference to Hammond US 4442626 discloses the new claim limitations of the rope - at 3-6, being secured to and extending between each movable rope anchorage point – in items 12-15, the rope stretching over the cover – at 10, to secure the cover in position – see figures 1-3 and see column 2 lines 40-54 where items 3-6,

can be a flexible securing means such as rubber that can be construed as a rope or alternatively replacing the flexible rubber with another flexible member such as a rope would be a simple substitution of one flexible securing means with another to yield the predictable result of movably securing the cover in place. The combination of the Hammond reference with the Peleg reference US 4837990 is deemed proper given the motivation to combine these references stated above in paragraph 2 of this office action.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID J. PARSLEY whose telephone number is (571)272-6890. The examiner can normally be reached on Monday-Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David J Parsley/
Primary Examiner, Art Unit 3643